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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

12 REBECA SANDOVAL OROZCO, an
13 individual,

14 Plaintiff,

15 vs.

16 AMAZON.COM, INC., a Delaware
Corporation; AMAZON.COM SERVICES
17 LLC, a Delaware limited liability company;
and DOES 1 through 50,

18 Defendants.
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Case No. 1:23-at-48

**DEFENDANTS AMAZON.COM, INC
AND AMAZON.COM SERVICES LLC'S
NOTICE OF REMOVAL OF CIVIL
ACTION UNDER 28 U.S.C. § 1441(b)**

[KERN COUNTY SUPERIOR COURT,
CASE NO. BCV-22-103279]

Date Action Filed: December 7, 2022

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF REBECA
2 SANDOVAL OROZCO:

3 PLEASE TAKE NOTICE that Defendants Amazon.com, Inc. and Amazon.com Services
4 LLC (collectively, “Amazon”), pursuant to 28 U.S.C. § 1441(b), hereby remove the above-entitled
5 action to this Court from the Superior Court of the State of California in and for the County of
6 Kern.

7 **I. FACTUAL AND PROCEDURAL BACKGROUND**

8 On December 7, 2022, Plaintiff Rebeca Sandoval Orozco (“Plaintiff”) filed a civil
9 complaint in the Superior Court of the State of California, County of Kern, entitled *Orozco v.*
10 *Amazon.com, Inc., et al.*, Case No. BCV-22-103279. A true and correct copy of the Complaint,
11 together with its Civil Case Cover Sheet and Summons, is attached as **Exhibit A** (hereinafter the
12 “Complaint”).

13 In her Complaint, Plaintiff alleges five causes of action against Amazon: (1) Disability
14 Discrimination, (2) Failure to Accommodate Disability in Violation of FEHA, (3) Failure to
15 Engage in the Interactive Process, (4) Failure to Prevent Discrimination, Retaliation, or
16 Harassment, (5) Retaliation in Violation of the FEHA, and (6) Wrongful Termination in Violation
17 of Public Policy. *See Exh. A.* Plaintiff seeks compensatory damages in the amount of \$250,000
18 plus interest, punitive damages, emotional distress damages in the amount of \$200,000, and
19 attorneys’ fees. *See Exh. A* at 11.

20 Service on Amazon was effectuated on December 20, 2022. *See Exh. B* (Proof of Service).
21 On January 18, 2023, Amazon answered Plaintiff’s Complaint in state court and served a copy on
22 Plaintiff’s counsel. *See Exh. C* (Defendants Amazon.com, Inc. and Amazon.com Services LLC’s
23 Answer to Plaintiff Rebeca Sandoval Orozco’s Unverified Complaint for Damages).

24 **II. THE NOTICE OF REMOVAL IS TIMELY**

25 This Notice of Removal has been timely filed within thirty (30) days after “service on that
26 defendant of the initial pleading.” *See* 28 U.S. §1446(b)(2).

27 **III. THIS COURT HAS DIVERSITY JURISDICTION**

28 This case is removable because this Court has original jurisdiction based on the parties’

1 diversity of citizenship. *See* 28 U.S.C. § 1332(a) (“The district courts shall have original
 2 jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of
 3 \$75,000, and is between . . . citizens of different States[.]”).

4 First, Plaintiff and Defendants are citizens of different states. Plaintiff’s Complaint alleges
 5 that she resides in the State of California. *See Exh. A*, ¶ 1.

6 Amazon.com Services LLC is not a citizen of California. For purposes of diversity
 7 jurisdiction, a limited liability corporation is a citizen of all of the states of which its
 8 owners/members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th
 9 Cir. 2006). At all times relevant to this action, Amazon.com Services LLC’s corporate
 10 headquarters and principal place of business has been in Seattle, Washington, and Amazon.com
 11 Services LLC is now and has been organized under the laws of the State of Delaware. *See Exh. D*
 12 (California Secretary of State Statement of Information for Amazon.com Services LLC listing
 13 principal office in Seattle, Washington and organized under Delaware law). Amazon.com Services
 14 LLC’s only member is Amazon.com Sales, Inc., which is a Delaware corporation with its
 15 corporate headquarters and principal place of business in Washington. *See Exh. E* (Washington
 16 Secretary of State Annual Report for Amazon.com Sales, Inc. listing principal office in Seattle,
 17 Washington and incorporation in Delaware).

18 Amazon.com, Inc. is also not a citizen of California. For purposes of diversity jurisdiction,
 19 “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been
 20 incorporated and of the State or foreign state where it has its principal place of business.” 28
 21 U.S.C. § 1332(c)(1). Amazon.com, Inc. is a Delaware corporation with its corporate headquarters
 22 and principal place of business in Washington. *See Exh. F* (Washington Secretary of State Annual
 23 Report for Amazon.com, Inc. listing principal office in Seattle, Washington and incorporation in
 24 Delaware).

25 Thus, diversity of citizenship exists.

26 In addition, the amount in controversy exceeds \$75,000. Though Amazon denies that
 27 Plaintiff is entitled to any damages, Plaintiff seeks compensatory damages in the amount of
 28 \$250,000 plus interest, punitive damages, emotional distress damages in the amount of \$200,000,

1 and attorneys' fees. *See* **Exh. A** at 11.

2 Thus, removal is proper based on this Court's diversity jurisdiction.

3 **IV. VENUE IS PROPER IN THIS COURT**

4 Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the
5 district courts of the United States have original jurisdiction, may be removed by the defendant or
6 the defendants, to the district court of the United States for the district and division embracing the
7 place where such action is pending." This Court embraces the Superior Court of the State of
8 California for the County of Kern, which is where Plaintiff's Complaint was originally filed.
9 Accordingly, this Court is the appropriate court to which to remove this action.

10 **V. NOTICE OF REMOVAL**

11 Amazon will promptly provide written notice of this Notice of Removal to Plaintiff, and
12 will also file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of
13 California, County of Kern.

14 **VI. CONCLUSION**

15 As detailed above, this Court has diversity jurisdiction over this action pursuant to 28
16 U.S.C. § 1332(a). Having fulfilled all statutory requirements, Amazon removes this action from
17 the Superior Court of California, County of Kern to this Court, and requests that this Court assume
18 full jurisdiction over this matter as provided by law.

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20 Dated: January 19, 2022

FARELLA BRAUN + MARTEL LLP

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22 By: 

Chandra S. Andrade

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24 Attorneys for AMAZON.COM, INC. and
25 AMAZON.COM SERVICES LLC